



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2338

Introduced 2/19/2009, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Professional Land Surveyor Act of 1989. Replaces all references to "Director" with "Secretary". Allows the Department to exercise the functions, powers, or duties enumerated to it by the Act without first requiring the action and report in writing of the Board. Provides that the Secretary may consider the advice and recommendations of the Board on issues involving standards of professional conduct, discipline and qualifications of the candidates and licensees under this Act (now, the Secretary shall consider). Provides that the Department may license an applicant who is licensed as a land surveyor in another state, U.S. jurisdiction, or foreign country, provided that he or she meets certain requirements. Provides that the Department may take disciplinary action against any person that commits certain tax violations. Provides that the Department or Board may order a licensee or applicant to submit to a mental or physical examination, or both, for certain violations of the Act. Provides that the Department shall deny a license or renewal to a person that has defaulted on an education loan or scholarship provided or guaranteed by the State. Provides that the Department may suspend or revoke a license, or deny a license or renewal, or take any other disciplinary action against a person who is more than 30 days delinquent in the payment of child support if the Department of Healthcare and Family Services has certified the delinquency to the Department. Provides that the Secretary may, through the Attorney General or the State's Attorney of the county in which a violation is alleged to have occurred, petition for an order enjoining a violation or for an order enforcing compliance with this Act. Defines "address of record". Makes other changes. Effective immediately.

LRB096 08510 ASK 18630 b

1 AN ACT concerning professional regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Professional Land Surveyor Act of
5 1989 is amended by changing Sections 4, 6, 7, 8, 9, 10, 12, 13,
6 15, 16.5, 18, 18.5, 19, 23, 25, 27, 28, 29, 30, 31, 33, 34, 35,
7 36, 36.1, 37, 40, and 43 as follows:

8 (225 ILCS 330/4) (from Ch. 111, par. 3254)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 4. Definitions. As used in this Act:

11 (a) "Department" means the Department of Financial and
12 Professional Regulation.

13 (b) "Secretary" ~~"Director"~~ means the Secretary ~~Director~~ of
14 the Department of Financial and Professional Regulation.

15 (c) "Board" means the Land Surveyors Licensing Board.

16 (d) "Direct supervision and control" means the personal
17 review by a Licensed Professional Land Surveyor of each survey,
18 including, but not limited to, procurement, research, field
19 work, calculations, preparation of legal descriptions and
20 plats. The personal review shall be of such a nature as to
21 assure the client that the Professional Land Surveyor or the
22 firm for which the Professional Land Surveyor is employed is
23 the provider of the surveying services.

1 (e) "Responsible charge" means an individual responsible
2 for the various components of the land survey operations
3 subject to the overall supervision and control of the
4 Professional Land Surveyor.

5 (f) "Design professional" means a land surveyor,
6 architect, structural engineer, or professional engineer
7 licensed in conformance with this Act, the Illinois
8 Architecture Practice Act of 1989, the Structural Engineering
9 Practice Act of 1989, or the Professional Engineering Practice
10 Act of 1989.

11 (g) "Professional Land Surveyor" means any person licensed
12 under the laws of the State of Illinois to practice land
13 surveying, as defined by this Act or its rules.

14 (h) "Land Surveyor-in-Training" means any person licensed
15 under the laws of the State of Illinois who has qualified for,
16 taken, and passed an examination in the fundamental land
17 surveyor-in-training subjects as provided by this Act or its
18 rules.

19 (i) "Land surveying experience" means those activities
20 enumerated in Section 5 of this Act, which, when exercised in
21 combination, to the satisfaction of the Board, is proof of an
22 applicant's broad range of training in and exposure to the
23 prevailing practice of land surveying.

24 (j) "Address of record" means the designated address
25 recorded by the Department in the applicant's or licensee's
26 application file or license file maintained by the Department's

1 licensure maintenance unit. It is the duty of the applicant or
2 licensee to inform the Department of any change of address, and
3 such changes must be made either through the Department's
4 website or by contacting the Department's licensure
5 maintenance unit.

6 (Source: P.A. 92-16, eff. 6-28-01; 93-467, eff. 1-1-04.)

7 (225 ILCS 330/6) (from Ch. 111, par. 3256)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 6. Powers and duties of the Department.

10 (a) The Department shall exercise the powers and duties
11 prescribed by The Illinois Administrative Procedure Act for the
12 administration of licensing Acts. The Department shall also
13 exercise, subject to the provisions of this Act, the following
14 powers and duties:

15 (1) Conduct or authorize examinations to ascertain the
16 fitness and qualifications of applicants for licensure and
17 issue licenses to those who are found to be fit and
18 qualified.

19 (2) Prescribe rules for a method of examination.

20 (3) Conduct hearings on proceedings to revoke,
21 suspend, or refuse to issue, renew, or restore a license,
22 or other disciplinary actions.

23 (4) Promulgate rules and regulations required for the
24 administration of this Act.

25 (5) License corporations and partnerships for the

1 practice of professional surveying and issue a license to
2 those who qualify.

3 (6) Prescribe, adopt, and amend rules as to what shall
4 constitute a surveying or related science curriculum,
5 determine if a specific surveying curriculum is in
6 compliance with the rules, and terminate the approval of a
7 specific surveying curriculum for non-compliance with such
8 rules.

9 (7) Maintain membership in the National Council of
10 Engineering Examiners or a similar organization and
11 participate in activities of the Council or organization by
12 designating individuals for the various classifications of
13 membership and appoint delegates for attendance at zone and
14 national meetings of the Council or organization.

15 (8) Obtain written recommendations from the Board
16 regarding qualification of individuals for licensing,
17 definition of curriculum content and approval of surveying
18 curriculums, standards of professional conduct and
19 disciplinary actions, promulgate and amend the rules
20 affecting these matters, and consult with the Board on
21 other matters affecting administration of the Act.

22 (a-5) The Department may promulgate rules for a Code of
23 Ethics and Standards of Practice to be followed by persons
24 licensed under this Act. The Department shall consider the
25 recommendations of the Board in establishing the Code of Ethics
26 and Standards of Practice.

1 (b) The Department shall consult with the Board in
2 promulgating rules. Notice of proposed rulemaking shall be
3 transmitted to the Board and the Department shall review the
4 Board's response and recommendations.

5 (c) The Department shall review the Board's recommendation
6 of the applicants' qualifications. The Secretary ~~Director~~
7 shall notify the Board ~~in writing~~ with an explanation of any
8 deviation from the Board's recommendation. After review of the
9 Secretary's ~~Director's~~ written explanation of his or her
10 reasons for deviation, the Board shall have the opportunity to
11 comment upon the Secretary's ~~Director's~~ decision.

12 Whenever the Secretary ~~Director~~ is not satisfied that
13 substantial justice has been done in the revocation or
14 suspension of a license, or other disciplinary action, the
15 Secretary ~~Director~~ may order re-hearing by the same or other
16 boards.

17 ~~None of the functions, powers or duties enumerated in this~~
18 ~~Section shall be exercised by the Department except upon the~~
19 ~~action and report in writing of the Board.~~

20 (Source: P.A. 93-467, eff. 1-1-04.)

21 (225 ILCS 330/7) (from Ch. 111, par. 3257)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 7. Creation of the Board; Composition and
24 qualifications and terms of the Board. The Board shall be
25 appointed by the Secretary ~~Director~~ and shall consist of 7

1 members, one of whom shall be a public member and 6 of whom
2 shall be Professional Land Surveyors. The members shall be
3 residents of Illinois. Each Professional Land Surveyor member
4 shall (a) currently hold a valid Professional Land Surveyor
5 license in Illinois and shall have held the license under this
6 Act or its predecessor for the previous 10 year period, and (b)
7 have not been disciplined within the last 10 year period under
8 this Act or its predecessor. The public member shall not be an
9 employee of the State of Illinois or of the federal government,
10 and shall not be licensed under this Act or any other design
11 profession licensing Act that the Department administers.

12 Members shall be appointed who reasonably represent the
13 different geographic areas of Illinois and shall serve for 5
14 year terms, and until their successors are qualified and
15 appointed. A member shall not be eligible for appointment to
16 more than 10 years in a lifetime ~~more than 2 consecutive 5 year~~
17 ~~terms~~. Appointments to fill vacancies shall be made for the
18 unexpired portion of the term. Initial terms shall begin on the
19 effective date of this Act. Board members currently appointed
20 under this Act and in office on the effective date of this Act
21 shall continue to hold office until their terms expire and they
22 are replaced. All appointments shall be made on the basis of
23 individual professional qualifications with the exception of
24 the public member and shall not be based upon race, sex, or
25 religious or political affiliations.

26 Each member of the Board shall receive compensation when

1 attending to the work of the Board or any of its committees and
2 for time spent in necessary travel. In addition, members shall
3 be reimbursed for actual traveling, incidentals and expenses
4 necessarily incurred in carrying out their duties as members of
5 the Board.

6 The Secretary ~~Director shall~~ consider the advice and
7 recommendations of the Board on issues involving standards of
8 professional conduct, discipline and qualifications of the
9 candidates and licensees under this Act.

10 The Secretary shall give due consideration to ~~The Director~~
11 ~~shall make the Board appointments within 90 days of any~~
12 ~~vacancy. The Professional Land Surveyor members shall be~~
13 ~~selected from~~ a current list of candidates ~~updated by June 1 of~~
14 ~~each year~~, as submitted by members of the land surveying
15 profession and by affiliated organizations.

16 Members of the Board shall be immune from suit in any
17 action based upon any disciplinary proceedings or other
18 activities performed in good faith as members of the Board.

19 The Secretary ~~Director~~ may remove any member of the Board
20 for misconduct, incompetence, neglect of duty, or for any
21 reason prescribed by law for removal of State Officials or for
22 not attending 2 consecutive Board meetings.

23 (Source: P.A. 91-132, eff. 1-1-00.)

24 (225 ILCS 330/8) (from Ch. 111, par. 3258)

25 (Section scheduled to be repealed on January 1, 2010)

1 Sec. 8. Powers and duties of the Board; quorum. Subject to
2 the provisions of this Act, the Board may ~~shall~~ exercise the
3 following functions, powers, and duties:

4 (a) Review education and experience qualifications of
5 applicants to determine eligibility as a Professional Land
6 Surveyor or Land Surveyor-in-Training and submit to the
7 Secretary ~~Director~~ written recommendations on applicant
8 qualifications for licensing;

9 (b) Conduct hearings regarding disciplinary actions
10 and submit a written report to the Secretary ~~Director~~ as
11 required by this Act and may provide a Board member at
12 informal conferences;

13 (c) Visit universities or colleges to evaluate
14 surveying curricula and submit to the Secretary ~~Director~~ a
15 written recommendation of acceptability of the curriculum;

16 (d) Submit a written recommendation to the Secretary
17 ~~Director~~ concerning promulgation or amendment of rules for
18 the administration of this Act;

19 (e) The Department may at any time seek the expert
20 advice and knowledge of the Board on any matter relating to
21 the enforcement of this Act;

22 (f) The Board may appoint a subcommittee to serve as a
23 Complaint Committee to recommend the disposition of case
24 files according to procedures established by rule;

25 (g) Hold at least 3 ~~4~~ regular meetings each year; and

26 (h) The Board shall annually elect a Chairperson and a

1 Vice Chairperson who shall be licensed Illinois
2 Professional Land Surveyors.

3 A quorum of the Board shall consist of a majority of Board
4 members appointed.

5 (Source: P.A. 93-467, eff. 1-1-04.)

6 (225 ILCS 330/9) (from Ch. 111, par. 3259)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 9. Deviation from Board recommendations. On matters
9 concerning qualification of individuals for licensing,
10 definition of curriculum content and approval of surveying
11 curriculums, standards of professional conduct and
12 disciplinary actions, and the promulgation and amendment of the
13 rules affecting these matters, the Secretary ~~Director~~ shall
14 notify the Board ~~in writing~~ with an explanation of any
15 deviation from the Board's written recommendation or response.
16 The Board shall have the opportunity to comment upon the
17 Secretary's ~~Director's~~ decision after review of the
18 Secretary's ~~Director's~~ written explanation of his reasons for
19 deviation.

20 (Source: P.A. 86-987.)

21 (225 ILCS 330/10) (from Ch. 111, par. 3260)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 10. Application for original license. Every person who
24 desires to obtain a license shall apply to the Department in

1 writing, upon forms prepared and furnished by the Department.
2 Each application shall contain statements made under oath,
3 showing the applicant's education, a detailed summary of his or
4 her land surveying experience, and verification of the
5 applicant's land surveying experience by the applicant's
6 supervisor who shall be a ~~licensed~~ land surveyor licensed in
7 this State or any other state or territory of the U.S. where
8 experience is similar and who shall certify the applicant's
9 experience, and the application shall be accompanied with the
10 required fee. The Department may require an applicant, at the
11 applicant's expense, to have an evaluation of the applicant's
12 education in a foreign country by a nationally recognized
13 educational body approved by the Board in accordance with rules
14 prescribed by the Department.

15 An applicant who graduated from a land surveying program
16 outside the United States or its territories and whose first
17 language is not English shall submit certification of passage
18 of the Test of English as a Foreign Language (TOEFL) and a test
19 of spoken English ~~the Test of Spoken English (TSE)~~ as defined
20 by rule.

21 (Source: P.A. 91-132, eff. 1-1-00.)

22 (225 ILCS 330/12) (from Ch. 111, par. 3262)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 12. Qualifications for licensing.

25 (a) A person is qualified to receive a license as a

1 Professional Land Surveyor and the Department shall issue a
2 license to a person:

3 (1) who has applied in writing in the required form ~~and~~
4 ~~substance~~ to the Department;

5 (2) (blank);

6 (3) who is of good ethical character, including
7 compliance with the Code of Ethics and Standards of
8 Practice promulgated by rule pursuant to this Act, and has
9 not committed an act or offense in any jurisdiction that
10 would constitute grounds for discipline of a land surveyor
11 licensed under this Act; ~~who is of good moral character;~~

12 (4) (blank); ~~who has been issued a license as a Land~~
13 ~~Surveyor-in-Training;~~

14 (5) who, subsequent to passing the ~~an~~ examination
15 authorized by the Department ~~for licensure as a~~
16 ~~Surveyor In Training,~~ has at least 4 years of responsible
17 charge experience verified by a professional land surveyor
18 in direct supervision and control of his or her activities;
19 and

20 (6) who has passed an examination authorized by the
21 Department to determine his or her fitness to receive a
22 license as a Professional Land Surveyor.

23 (b) A person is qualified to receive a license as a Land
24 Surveyor-in-Training and the Department shall issue a license
25 to a person:

26 (1) who has applied in writing in the required form ~~and~~

1 ~~substance~~ to the Department;

2 (2) (blank);

3 (3) (blank); ~~who is of good moral character;~~

4 (4) who has the required education as set forth in this
5 Act; and

6 (5) who has passed an examination authorized by the
7 Department to determine his or her fitness to receive a
8 license as a Land Surveyor-in-Training in accordance with
9 this Act.

10 ~~In determining moral character under this Section, the~~
11 ~~Department may take into consideration whether the applicant~~
12 ~~has engaged in conduct or actions that would constitute grounds~~
13 ~~for discipline under this Act.~~

14 (Source: P.A. 93-467, eff. 1-1-04.)

15 (225 ILCS 330/13) (from Ch. 111, par. 3263)

16 (Section scheduled to be repealed on January 1, 2010)

17 Sec. 13. Qualifications for examination for Licensed Land
18 Surveyor-in-Training. Applicants for the examination for Land
19 Surveyor-in-Training shall have:

20 (1) a baccalaureate degree in Land Surveying as defined by
21 rule from an accredited program ~~college or university~~; or

22 (2) a baccalaureate degree in a related science including
23 at least 24 semester hours of land surveying courses from a
24 Department ~~Board~~ approved curriculum of an accredited
25 institution.

1 (Source: P.A. 91-132, eff. 1-1-00.)

2 (225 ILCS 330/15) (from Ch. 111, par. 3265)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 15. Seal. Every Professional Land Surveyor shall have
5 a reproducible seal or facsimile, which may be computer
6 generated, the impression of which shall contain the name of
7 the land surveyor, ~~his or her place of business,~~ the license
8 number, of the Professional Land Surveyor, and the words
9 "Professional Land Surveyor, State of Illinois". Signatures
10 generated by computer or rubber stamp shall not be permitted. A
11 Professional Land Surveyor shall seal all documents prepared by
12 or under the direct supervision and control of the Professional
13 Land Surveyor. Any seal authorized or approved by the
14 Department under the Illinois Land Surveyors Act shall serve
15 the same purpose as the seal provided for by this Act. The
16 licensee's written signature and date of signing along with the
17 date of license expiration shall be placed adjacent to the
18 seal.

19 (Source: P.A. 93-467, eff. 1-1-04.)

20 (225 ILCS 330/16.5)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 16.5. Unlicensed practice; violation; civil penalty.

23 (a) Any person who practices, offers to practice, attempts
24 to practice, or holds oneself out to practice as a professional

1 land surveyor or as a land surveyor-in-training without being
2 licensed under this Act shall, in addition to any other penalty
3 provided by law, pay a civil penalty to the Department in an
4 amount not to exceed \$10,000 ~~\$5,000~~ for each offense as
5 determined by the Department. The civil penalty shall be
6 assessed by the Department after a hearing is held in
7 accordance with the provisions set forth in this Act regarding
8 the provision of a hearing for the discipline of a licensee.

9 (b) The Department has the authority and power to
10 investigate any and all unlicensed activity.

11 (c) The civil penalty shall be paid within 60 days after
12 the effective date of the order imposing the civil penalty. The
13 order shall constitute a judgment and may be filed and
14 execution had thereon in the same manner as any judgment from
15 any court of record.

16 (Source: P.A. 89-474, eff. 6-18-96.)

17 (225 ILCS 330/18) (from Ch. 111, par. 3268)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 18. Renewal, reinstatement or restoration of license;
20 Persons in military service. The expiration date and renewal
21 period for each license as a Professional Land Surveyor issued
22 under this Act shall be set by rule. The holder of a license
23 may renew such license during the month preceding the
24 expiration date by paying the required fee.

25 Any Professional Land Surveyor whose license has been

1 inactive for less than 5 years is required to pay the current
2 renewal fee and shall have his or her license restored.

3 ~~If the Professional Land Surveyor has not maintained an~~
4 ~~active practice in another jurisdiction satisfactory to the~~
5 ~~Department, the Department shall determine, by an evaluation~~
6 ~~program established by rule, the person's fitness to resume~~
7 ~~active status and may require that person to successfully~~
8 ~~complete an examination.~~

9 A Professional Land Surveyor whose license has been expired
10 for more than 5 years may have the license restored by making
11 application to the Department and filing proof acceptable to
12 the Board of fitness to have the license restored, including,
13 but not limited to, sworn evidence certifying to active
14 practice in another jurisdiction and payment of the required
15 renewal, reinstatement or restoration fee.

16 However, any Professional Land Surveyor whose license
17 expired while engaged (a) in federal service on active duty
18 with the armed forces of the United States, or the State
19 Militia called into active service or training, or (b) in
20 training or education under the supervision of the United
21 States preliminary to induction into the military service, may
22 have a license renewed without paying any lapsed reinstatement
23 or restoration fees upon passing an oral examination by the
24 Board, or without taking any examination, if approved by the
25 Board, if, within 2 years after the termination other than by
26 dishonorable discharge of such service, training, or

1 education, the licensee furnishes the Department with an
2 affidavit to the effect the licensee was so engaged and that
3 the service, training, or education has so terminated.

4 A license for a Land Surveyor-in-Training is valid for 10
5 years and may not be renewed.

6 (Source: P.A. 91-132, eff. 1-1-00.)

7 (225 ILCS 330/18.5)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 18.5. Continuing education. The Department may
10 promulgate rules of continuing education for persons licensed
11 under this Act. The Department may ~~shall~~ consider the
12 recommendations of the Board in establishing the guidelines for
13 the continuing education requirements. The requirements of
14 this Section apply to any person seeking renewal or restoration
15 under Section 18 or 19 of this Act.

16 (Source: P.A. 91-132, eff. 1-1-00.)

17 (225 ILCS 330/19) (from Ch. 111, par. 3269)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 19. Inactive status; Restoration. Any person
20 ~~Professional Land Surveyor~~ who notifies the Department, l in
21 writing on forms prescribed by the Department, l may ~~elect to~~
22 place his or her license on an inactive status and shall ~~7~~
23 ~~subject to rules of the Department,~~ be excused from the payment
24 of renewal fees until he or she notifies the Department in

1 writing of the intention ~~desire~~ to resume active status.

2 Any Professional Land Surveyor requesting restoration from
3 inactive status is required to pay the current renewal fee and
4 shall have his or her license restored. A Professional Land
5 Surveyor whose license has been on inactive status for more
6 than 5 years may have the license restored by making
7 application to the Department and filing proof acceptable to
8 the Board of fitness to have the license restored, including,
9 but not limited to, sworn evidence certifying to active
10 practice in another jurisdiction and payment of the required
11 renewal, reinstatement or restoration fee.

12 Any Professional Land Surveyor whose license is in an
13 inactive status shall not practice land surveying in the State
14 of Illinois.

15 (Source: P.A. 86-987.)

16 (225 ILCS 330/23) (from Ch. 111, par. 3273)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 23. Address of Record ~~Change of address~~; Names of
19 licensed surveyors to be published. It is the responsibility
20 of a Professional Land Surveyor or Land Surveyor-in-Training to
21 inform the Department of any change of address or name. The
22 Department shall maintain a roster of names and addresses of
23 all professional land surveyors and professional design firms,
24 partnerships, and corporations licensed or registered under
25 this Act. This roster shall be available upon request and

1 ~~payment of the required fee. The Department shall, at least~~
2 ~~annually, publish a list of the names of all Professional Land~~
3 ~~Surveyors who are in good standing as of the date the list is~~
4 ~~prepared for publication and of all persons whose licenses have~~
5 ~~been suspended or revoked within the previous year, together~~
6 ~~with such other information relative to the enforcement of the~~
7 ~~provisions of this Act as it may deem of interest to the~~
8 ~~public. Upon request, such lists shall be mailed to the County~~
9 ~~Clerk as a public record. Such lists shall also be mailed by~~
10 ~~the Department to any person in the State upon request, and~~
11 ~~payment of the required fee.~~

12 (Source: P.A. 86-987.)

13 (225 ILCS 330/25) (from Ch. 111, par. 3275)

14 (Section scheduled to be repealed on January 1, 2010)

15 Sec. 25. Professional design firm registration.

16 (a) Nothing in this Act shall prohibit the formation, under
17 the provisions of the Professional Service Corporation Act, of
18 a corporation to offer the practice of professional land
19 surveying.

20 Any business, including a Professional Service
21 Corporation, that includes within its stated purposes or
22 practices, or holds itself out as available to practice,
23 professional land surveying shall be registered with the
24 Department pursuant to the provisions set forth in this
25 Section.

1 Any sole proprietorship not owned and operated by an
2 Illinois licensed design professional licensed under this Act
3 shall be prohibited from offering professional land surveyor
4 services to the public. Any sole proprietorship owned and
5 operated by a professional land surveyor with an active license
6 issued under this Act and conducting or transacting such
7 business under an assumed name in accordance with the
8 provisions of the Assumed Business Name Act shall comply with
9 the registration requirements of a professional design firm.
10 Any sole proprietorship owned and operated by a Professional
11 Land Surveyor with an active license issued under this Act and
12 conducting or transacting such business under the real name of
13 the sole proprietor is exempt from the registration
14 requirements of a professional design firm. "Illinois licensed
15 design professional" means a person who holds an active license
16 as a professional engineer under the Professional Engineering
17 Practice Act of 1989, as an architect under the Illinois
18 Architecture Practice Act of 1989, as a structural engineer
19 under the Structural Engineering Practice Act of 1989, or as a
20 Professional Land Surveyor under this Act.

21 (b) Any professional design firm seeking to be registered
22 pursuant to the provisions of this Section shall not be
23 registered unless one or more managing agents in charge of land
24 surveyor activities in this State are designated by the
25 professional design firm. Each managing agent must at all times
26 maintain a valid, active license to practice professional land

1 surveying in Illinois.

2 No individual whose license to practice professional land
3 surveying in this State is currently in a suspended or revoked
4 state shall act as a managing agent for a professional design
5 firm.

6 (c) Any business seeking to be registered under this
7 Section shall make application on a form provided by the
8 Department and shall provide such information as requested by
9 the Department, which shall include, but not be limited to:

10 (1) the name and license number of the person
11 designated as the managing agent in responsible charge of
12 the practice of professional land surveying in Illinois. In
13 the case of a corporation, the corporation shall also
14 submit a certified copy of the resolution by the board of
15 directors designating the managing agent. In the case of a
16 limited liability company, the company shall submit a
17 certified copy of either its articles of organization or
18 operating agreement designating the managing agent;

19 (2) the names and license numbers of the directors, in
20 the case of a corporation, the members, in the case of a
21 limited liability company, or general partners, in the case
22 of a partnership;

23 (3) a list of all office locations at which the
24 professional design firm provides professional land
25 surveying services to the public; and

26 (4) a list of all assumed names of the business.

1 Nothing in this Section shall be construed to exempt a
2 professional design firm, sole proprietorship, or
3 professional service corporation from compliance with the
4 requirements of the Assumed Business Name Act.

5 It is the responsibility of the professional design firm to
6 provide the Department notice, in writing, of any changes in
7 the information requested on the application.

8 (d) The Department shall issue to each business a
9 certificate of registration to practice professional land
10 surveying or offer the services of its licensees in this State
11 upon submittal of a proper application for registration and
12 payment of fees. The expiration date and renewal period for
13 each registration and renewal procedures shall be established
14 by rule.

15 (e) In the event a managing agent is terminated or
16 terminates his or her status as managing agent of the
17 professional design firm, the managing agent and a professional
18 design firm shall notify the Department of this fact in
19 writing, by certified mail, within 10 business days of such
20 termination. Thereafter, the professional design firm, if it
21 has so informed the Department, shall have 30 days in which to
22 notify the Department of the name and licensure number of a
23 newly designated managing agent. If a corporation, the
24 corporation shall also submit a certified copy of a resolution
25 by the board of directors designating the new managing agent.
26 If a limited liability company, the company shall also submit a

1 certified copy of either its articles of organization or
2 operating agreement designating the new managing agent. The
3 Department may, upon good cause shown, extend the original 30
4 day period.

5 If the professional design firm has not notified the
6 Department in writing, by certified mail within the specified
7 time, the registration shall be terminated without prior
8 hearing. Notification of termination shall be sent by certified
9 mail to the address of record ~~last known address~~ of the
10 business. If the professional design firm continues to operate
11 and offer professional land surveyor services after the
12 termination, the Department may seek prosecution under
13 Sections 27, 43, and 16.5 ~~46~~ of this Act for the unlicensed
14 practice of professional land surveying.

15 No professional design firm shall be relieved of
16 responsibility for the conduct or acts of its agent, employees,
17 members, managers, or officers by reason of its compliance with
18 this Section, nor shall any individual practicing professional
19 land surveying be relieved of the responsibility for
20 professional services performed by reason of the individual's
21 employment or relationship with a professional design firm
22 registered under this Section.

23 (g) Disciplinary action against a professional design firm
24 registered under this Section shall be administered in the same
25 manner and on the same grounds as disciplinary action against a
26 licensed professional land surveyor. All disciplinary action

1 taken or pending against a corporation or partnership before
2 the effective date of this amendatory Act of 1999 shall be
3 continued or remain in effect without the Department filing
4 separate actions.

5 (h) Any professional services corporation, sole
6 proprietorship, or professional design firm offering land
7 surveying services must have a professional ~~resident~~ land
8 surveyor whose license is not suspended or revoked overseeing
9 the land surveying practices in each location in which land
10 surveying services are provided.

11 (Source: P.A. 91-132, eff. 1-1-00.)

12 (225 ILCS 330/27) (from Ch. 111, par. 3277)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 27. Grounds for disciplinary action.

15 (a) The Department may, singularly or in combination,
16 refuse to issue, restore, or renew, or may revoke or suspend a
17 license or registration, or may place on probation, censure,
18 reprimand or impose a fine ~~civil penalty~~ not to exceed \$10,000,
19 upon any person, corporation, partnership, or professional
20 land surveying firm licensed or registered under this Act for
21 any one or combination of the following:

22 (1) material misstatement in furnishing information to
23 the Department;

24 (2) violation, including, but not limited to, neglect
25 or intentional disregard, of this Act, or its rules;

1 (3) conviction of, or entry of a plea of guilty or nolo
2 contendere to, any crime that is a felony under the laws of
3 the United States or any state or territory thereof or that
4 is a misdemeanor of which an essential element is
5 dishonesty, or any crime that is directly related to the
6 practice of the profession; ~~conviction of any crime under~~
7 ~~the laws of the United States, or any state or territory~~
8 ~~thereof, which is a felony, whether related to practice or~~
9 ~~not, or conviction of any crime, whether a felony,~~
10 ~~misdemeanor, or otherwise, an essential element of which is~~
11 ~~dishonesty or which is directly related to the practice of~~
12 ~~land surveying;~~

13 (4) making any misrepresentation for the purpose of
14 obtaining a license, or in applying for restoration or
15 renewal, or the practice of any fraud or deceit in taking
16 any examination to qualify for licensure under this Act;

17 (5) purposefully making false statements or signing
18 false statements, certificates, or affidavits to induce
19 payment;

20 (6) proof of carelessness, incompetence, negligence,
21 or misconduct in practicing land surveying;

22 (7) aiding or assisting another person in violating any
23 provision of this Act or its rules;

24 (8) failing to provide information in response to a
25 written request made by the Department within 30 days after
26 receipt of such written request;

1 (9) engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public;

4 (10) inability to practice with reasonable judgment,
5 skill, or safety as a result of habitual or excessive use
6 of, or addiction to, alcohol, narcotics, stimulants or any
7 other chemical agent or drug; ~~habitual intoxication or~~
8 ~~addiction to the use of drugs;~~

9 (11) discipline by the United States government,
10 another state, District of Columbia, territory, foreign
11 nation or government agency if at least one of the grounds
12 for the discipline is the same or substantially equivalent
13 to those set forth in this Act;

14 (12) directly or indirectly giving to or receiving from
15 any person, firm, corporation, partnership, or association
16 any fee, commission, rebate, or other form of compensation
17 for any professional services not actually or personally
18 rendered;

19 (12.5) issuing a map or plat of survey where the fee
20 for professional services is contingent on a real estate
21 transaction closing;

22 (13) a finding by the Board that an applicant or
23 licensee has failed to pay a fine imposed by the Department
24 or a licensee whose license has been placed on probationary
25 status has violated the terms of probation;

26 (14) practicing on an expired, inactive, suspended, or

1 revoked license;

2 (15) signing, affixing the Professional Land
3 Surveyor's seal or permitting the Professional Land
4 Surveyor's seal to be affixed to any map or plat of survey
5 not prepared by the Professional Land Surveyor or under the
6 Professional Land Surveyor's direct supervision and
7 control;

8 (16) physical illness, including but not limited to
9 deterioration through the aging process or loss of motor
10 skill, which results in the inability to practice the
11 profession with reasonable judgment, skill, or safety;

12 (17) ~~(blank); issuing a check or other guarantee to the~~
13 ~~order of the Department which is not honored on 2 occasions~~
14 ~~by the financial institution upon which it is drawn because~~
15 ~~of insufficient funds;~~

16 (18) failure to adequately supervise or control land
17 surveying operations being performed by subordinates; or -

18 (19) Failure to file a return, to pay the tax, penalty,
19 or interest shown in a filed return, or to pay any final
20 assessment of tax, penalty, or interest as required by any
21 tax Act administered by the Department of Revenue, until
22 such time as the requirements of the tax Act are satisfied
23 in accordance with subsection (g) of Section 15 of the
24 Department of Professional Regulation Law of the Civil
25 Administrative Code of Illinois (20 ILCS 2105/2105-15).

26 (a-5) In enforcing this Section, the Department or Board,

1 upon a showing of a possible violation, may order a licensee or
2 applicant to submit to a mental or physical examination, or
3 both, at the expense of the Department. The Department or Board
4 may order the examining physician to present testimony
5 concerning his or her examination of the licensee or applicant.
6 No information shall be excluded by reason of any common law or
7 statutory privilege relating to communications between the
8 licensee or applicant and the examining physician. The
9 examining physicians shall be specifically designated by the
10 Board or Department. The licensee or applicant may have, at his
11 or her own expense, another physician of his or her choice
12 present during all aspects of the examination. Failure of a
13 licensee or applicant to submit to any such examination when
14 directed, without reasonable cause as defined by rule, shall be
15 grounds for either the immediate suspension of his or her
16 license or immediate denial of his or her application.

17 If the Secretary immediately suspends the license of a
18 licensee for his or her failure to submit to a mental or
19 physical examination when directed, a hearing must be convened
20 by the Department within 15 days after the suspension and
21 completed without appreciable delay.

22 If the Secretary otherwise suspends a license pursuant to
23 the results of the licensee's mental or physical examination, a
24 hearing must be convened by the Department within 15 days after
25 the suspension and completed without appreciable delay. The
26 Department and Board shall have the authority to review the

1 licensee's record of treatment and counseling regarding the
2 relevant impairment or impairments to the extent permitted by
3 applicable federal statutes and regulations safeguarding the
4 confidentiality of medical records.

5 Any licensee suspended under this subsection (a-5) shall be
6 afforded an opportunity to demonstrate to the Department or
7 Board that he or she can resume practice in compliance with the
8 acceptable and prevailing standards under the provisions of his
9 or her license. ~~In enforcing this Section, the Board upon a~~
10 ~~showing of a possible violation may compel a person licensed to~~
11 ~~practice under this Act, or who has applied for licensure or~~
12 ~~certification pursuant to this Act, to submit to a mental or~~
13 ~~physical examination, or both, as required by and at the~~
14 ~~expense of the Department. The examining physicians shall be~~
15 ~~those specifically designated by the Board. The Board or the~~
16 ~~Department may order the examining physician to present~~
17 ~~testimony concerning this mental or physical examination of the~~
18 ~~licensee or applicant. No information shall be excluded by~~
19 ~~reason of any common law or statutory privilege relating to~~
20 ~~communications between the licensee or applicant and the~~
21 ~~examination physician. The person to be examined may have, at~~
22 ~~his or her own expense, another physician of his or her choice~~
23 ~~present during all aspects of the examination. Failure of any~~
24 ~~person to submit to a mental or physical examination, when~~
25 ~~directed, shall be grounds for suspension of a licensee until~~
26 ~~the person submits to the examination if the Board finds, after~~

1 ~~notice and hearing, that the refusal to submit to the~~
2 ~~examination was without reasonable cause.~~

3 ~~If the Board finds a person unable to practice because of~~
4 ~~the reasons set forth in this Section, the Board may require~~
5 ~~that person to submit to care, counseling, or treatment by~~
6 ~~physicians approved or designated by the Board as a condition,~~
7 ~~term, or restriction for continued, reinstated, or renewed~~
8 ~~licensure to practice; or, in lieu of care, counseling, or~~
9 ~~treatment, the Board may recommend to the Department to file a~~
10 ~~complaint to immediately suspend, revoke, or otherwise~~
11 ~~discipline the license of the person. Any person whose license~~
12 ~~was granted, continued, reinstated, renewed, disciplined, or~~
13 ~~supervised subject to such terms, conditions, or restrictions~~
14 ~~and who fails to comply with such terms, conditions, or~~
15 ~~restrictions shall be referred to the Director for a~~
16 ~~determination as to whether the person shall have his or her~~
17 ~~license suspended immediately, pending a hearing by the Board.~~

18 (b) The determination by a circuit court that a licensee is
19 subject to involuntary admission or judicial admission as
20 provided in the Mental Health and Developmental Disabilities
21 Code, as now or hereafter amended, operates as an automatic
22 license suspension. Such suspension will end only upon a
23 finding by a court that the patient is no longer subject to
24 involuntary admission or judicial admission and the issuance of
25 an order so finding and discharging the patient and upon the
26 recommendation of the Board to the Director that the licensee

1 be allowed to resume his or her practice.

2 (c) The Department shall deny a license or renewal
3 authorized by this Act to a person who has defaulted on an
4 educational loan or scholarship provided or guaranteed by the
5 Illinois Student Assistance Commission or any governmental
6 agency of this State in accordance with subdivision (a)(5) of
7 Section 15 of the Department of Professional Regulation Law of
8 the Civil Administrative Code of Illinois (20 ILCS
9 2105/2105-15).

10 (d) In cases where the Department of Healthcare and Family
11 Services (formerly the Department of Public Aid) has previously
12 determined that a licensee or a potential licensee is more than
13 30 days delinquent in the payment of child support and has
14 subsequently certified the delinquency to the Department, the
15 Department may refuse to issue or renew or may revoke or
16 suspend that person's license or may take other disciplinary
17 action against that person based solely upon the certification
18 of delinquency made by the Department of Healthcare and Family
19 Services in accordance with subdivision (a)(5) of Section 15 of
20 the Department of Professional Regulation Law of the Civil
21 Administrative Code of Illinois (20 ILCS 2105/2105-15).

22 (Source: P.A. 91-132, eff. 1-1-00.)

23 (225 ILCS 330/28) (from Ch. 111, par. 3278)

24 (Section scheduled to be repealed on January 1, 2010)

25 Sec. 28. ~~Violation;~~ Injunction; Cease and desist order.

1 ~~Each of the following acts is declared to be inimical to the~~
2 ~~public welfare and to constitute a public nuisance:~~

3 (a) If any person violates the provisions of this Act, the
4 Secretary, in the name of the people of the State of Illinois,
5 through the Attorney General or the State's Attorney of the
6 county in which the violation is alleged to have occurred may
7 petition for an order enjoining the violation or for an order
8 enforcing compliance with this Act. Upon the filing of a
9 verified petition, the court with appropriate jurisdiction may
10 issue a temporary restraining order, without notice or bond,
11 and may preliminarily and permanently enjoin the violation. If
12 it is established that the person has violated or is violating
13 the injunction, the court may punish the offender for contempt
14 of court. Proceedings under this Section are in addition to and
15 not in lieu of any other remedies and penalties provided by
16 this Act. ~~The practice or attempt to practice land surveying~~
17 ~~without a license or authority to practice as a Professional~~
18 ~~Land Surveyor.~~

19 (b) The use of the title "Illinois Professional Land
20 Surveyor" or the abbreviation "P.L.S." or "L.S." or any words
21 or letters indicating that a person is a Professional Land
22 Surveyor or Land Surveyor by any person who has not received a
23 license or authority to practice as an Illinois Professional
24 Land Surveyor.

25 The Secretary ~~Director~~ may, in the name of the People of
26 the State of Illinois, through the Attorney General of the

1 State of Illinois, or the State's Attorney of any county in the
2 State of Illinois, apply to the circuit court for an injunction
3 to enjoin any person from engaging in any of the practices
4 named and paragraphs (a) and (b). Upon the filing of a verified
5 petition in such court, the court, if satisfied by affidavit or
6 otherwise that such person is or has been engaged in any of the
7 practices named in paragraphs (a) and (b), may issue a
8 temporary restraining order or preliminary injunction, without
9 notice or bond, enjoining the defendant from further engaging
10 in such practices. A copy of the verified petition shall be
11 served upon the defendant and the proceedings shall thereafter
12 be conducted as in other civil cases. If it is established that
13 the defendant has been, or is engaged in any of the practices
14 named in paragraphs (a) and (b), the court may enter a decree
15 perpetually enjoining such defendant from further engaging in
16 those practices. In case of violation of any injunction issued
17 under the provisions of this Section, the court may summarily
18 try and punish the offender for contempt of court. An
19 injunction proceeding is in addition to and not in lieu of all
20 penalties and other remedies provided in this Act.

21 Whenever, in the opinion of the Department, any person
22 violates any provision of this Act, the Department may issue a
23 rule to show cause why an order to cease and desist should not
24 be entered against that person. The rule shall clearly set
25 forth the grounds relied upon by the Department and shall
26 provide a period of 7 days from the date of the rule to file an

1 answer to the satisfaction of the Department. Failure to answer
2 to the satisfaction of the Department shall cause an order to
3 cease and desist to be issued immediately.

4 (Source: P.A. 86-987.)

5 (225 ILCS 330/29) (from Ch. 111, par. 3279)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 29. Investigations; notice and hearing. A license or
8 registration issued under the provisions of this Act may be
9 revoked, suspended, not renewed or restored, or otherwise
10 disciplined, or applications for license or registration may be
11 refused, in the manner set forth in this Act. The Department
12 may, upon its own action, and shall, upon the verified
13 complaint in writing of any person setting forth facts which,
14 if proven, would constitute grounds for discipline,
15 investigate the actions of any person or other entity holding,
16 applying for or claiming to hold a license, or practicing or
17 offering to practice land surveying. Before the initiation of
18 an investigation, the matter shall be reviewed by a
19 subcommittee of the Board according to procedures established
20 by rule for the Complaint Committee. The Department shall,
21 before refusing to issue, renew or restore, suspending or
22 revoking any license or registration, or imposing any other
23 disciplinary action, at least 30 days prior to the date set for
24 the hearing, notify the person accused in writing of any
25 charges made and shall direct the person or entity to file a

1 written answer to the Board under oath within 20 days after the
2 service of the notice and inform the person or entity that if
3 the person or entity fails to file an answer default will be
4 taken and that the license or certificate may be suspended,
5 revoked, placed on probationary status, or other disciplinary
6 action may be taken, including limiting the scope, nature or
7 extent of practice, as the Secretary ~~Director~~ may deem proper.
8 ~~The Department shall afford the accused person or entity an~~
9 ~~opportunity to be heard in person or by counsel in reference to~~
10 ~~the charges. This written notice may be served by personal~~
11 ~~delivery to the accused person or entity or certified mail to~~
12 ~~the last address specified by the accused person or entity in~~
13 ~~the last notification to the Department. In case the person or~~
14 ~~entity fails to file an answer after receiving notice, his or~~
15 ~~her license or certificate may, in the discretion of the~~
16 ~~Department, be suspended, revoked, or placed on probationary~~
17 ~~status, or the Department may take whatever disciplinary action~~
18 ~~deemed proper, including limiting the scope, nature, or extent~~
19 ~~of the person's practice or the imposition of a fine, without a~~
20 ~~hearing, if the act or acts charged constitute sufficient~~
21 ~~grounds for such action under this Act. At the time and place~~
22 ~~fixed in the notice, the Board shall hear the charges and the~~
23 ~~accused person or entity shall be accorded ample opportunity to~~
24 ~~present any statements, testimony, evidence and argument as may~~
25 ~~be relevant to the charges or their defense. The Board may~~
26 ~~continue the hearing from time to time.~~

1 ~~The Board may from time to time and in co-operation with~~
2 ~~the Department's legal advisors employ individual land~~
3 ~~surveyors possessing the same minimum qualifications as~~
4 ~~required for Board candidates to assist with its investigative~~
5 ~~duties.~~

6 ~~Persons who assist the Department as consultants or expert~~
7 ~~witnesses in the investigation or prosecution of alleged~~
8 ~~violations of the Act, licensure matters, restoration~~
9 ~~proceedings, or criminal prosecutions, are not liable for~~
10 ~~damages in any civil action or proceeding as a result of their~~
11 ~~assistance, except upon proof of actual malice. The Attorney~~
12 ~~General shall defend these persons in any such action or~~
13 ~~proceeding.~~

14 (Source: P.A. 93-467, eff. 1-1-04.)

15 (225 ILCS 330/30) (from Ch. 111, par. 3280)

16 (Section scheduled to be repealed on January 1, 2010)

17 Sec. 30. Stenographer; transcript. The Department, at its
18 expense, shall provide a stenographer to take down the
19 testimony and preserve a record of all proceedings at the
20 hearing of any case where a license is revoked, suspended, or
21 other disciplinary action is taken. The notice of hearing,
22 complaint and all other documents in the nature of pleadings
23 and written motions filed in the proceedings, the transcript of
24 testimony, the report of the Board and the orders of the
25 Department shall be the record of the proceedings. ~~The~~

1 ~~Department shall furnish a transcript of the record to any~~
2 ~~person interested in the hearing upon payment of the fee~~
3 ~~required under Section 2105-115 of the Department of~~
4 ~~Professional Regulation Law (20 ILCS 2105/2105-115).~~

5 (Source: P.A. 91-239, eff. 1-1-00.)

6 (225 ILCS 330/31) (from Ch. 111, par. 3281)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 31. Subpoenas, depositions, oaths. Testimony; Oath.
9 The Department has the power to subpoena documents, books,
10 records, or other materials and to bring before it any person
11 and to take testimony either orally or by deposition, or both,
12 with the same fees and mileage and in the same manner as is
13 prescribed in civil cases in the courts of this State.

14 The Secretary, the designated hearing officer, and every
15 member of the Board has the power to administer oaths to
16 witnesses at any hearing that the Department is authorized to
17 conduct and any other oaths authorized in any Act administered
18 by the Department. ~~the Department has power to subpoena and~~
19 ~~bring before it any person in this State and to take testimony~~
20 ~~either orally or by deposition, or both, with the same fees and~~
21 ~~mileage and in the same manner as prescribed by law in judicial~~
22 ~~proceedings in civil cases in circuit courts of this State.~~

23 ~~The Director, and any member of the Board, each has power~~
24 ~~to administer oaths to witnesses at any hearing which the~~
25 ~~Department is authorized by law to conduct, and any other oaths~~

1 ~~required or authorized in any Act administered by the~~
2 ~~Department.~~

3 (Source: P.A. 86-987.)

4 (225 ILCS 330/33) (from Ch. 111, par. 3283)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 33. Notice of hearing; Findings and recommendations.
7 At the conclusion of the hearing the Board shall present to the
8 Secretary ~~Director~~ a written report of its findings and
9 recommendations. The report shall contain a finding whether or
10 not the accused person violated this Act or failed to comply
11 with the conditions required in this Act. The Board shall
12 specify the nature of the violation or failure to comply, and
13 shall make its recommendations to the Secretary ~~Director~~.

14 The report of findings and recommendations of the Board
15 shall be the basis for the Department's order unless the
16 Secretary disagrees with the Board ~~Director determines that the~~
17 ~~Board report is contrary to the manifest weight of the evidence~~
18 ~~or law~~, in which case the Secretary ~~Director~~ may issue an order
19 in contravention of the Board report stating the reasons for
20 the order. The report, findings, and recommendations are not
21 admissible in evidence against the person in a criminal
22 prosecution brought for the violation of this Act, but the
23 hearing and findings are not a bar to a criminal prosecution
24 brought for the violation of this Act.

25 (Source: P.A. 86-987.)

1 (225 ILCS 330/34) (from Ch. 111, par. 3284)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 34. Board; Rehearing. A ~~In any case involving the~~
4 ~~refusal to issue, restore or renew a license or the~~
5 ~~disciplining of a licensee,~~ a copy of the Board's report shall
6 be served upon the respondent by the Department, either
7 personally or as provided in this Act for the service of the
8 notice of hearing. Within 20 days after such service, the
9 respondent may present to the Department a motion in writing
10 for a rehearing which shall specify the particular grounds for
11 rehearing. If no motion for rehearing is filed, then upon the
12 expiration of the time specified for filing the motion, or if a
13 motion for rehearing is denied, then upon such denial, the
14 Secretary ~~Director~~ may enter an order in accordance with
15 recommendations of the Board except as provided in Section 33
16 of this Act. If the respondent orders from the reporting
17 service and pays for a transcript of the record within the time
18 for filing a motion for rehearing, the 20 day period within
19 which the motion may be filed shall commence upon the delivery
20 of the transcript to the respondent.

21 (Source: P.A. 86-987.)

22 (225 ILCS 330/35) (from Ch. 111, par. 3285)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 35. Secretary; rehearing. ~~Director; Rehearing.~~

1 Whenever the Secretary believes that substantial justice has
2 not been done in the revocation, suspension, or refusal to
3 issue, restore, or renew a license, or other discipline of an
4 applicant or licensee, he or she may order a rehearing by the
5 same or another examiner. ~~Whenever the Director is not~~
6 ~~satisfied that substantial justice has been done in the~~
7 ~~revocation, suspension, or refusal to issue or renew a license~~
8 ~~or other disciplinary proceeding, the Director may order a~~
9 ~~rehearing by the same or another board appointed to rehear the~~
10 ~~matter.~~

11 (Source: P.A. 86-987.)

12 (225 ILCS 330/36) (from Ch. 111, par. 3286)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 36. Appointment of a hearing officer. Notwithstanding
15 the provisions of Section 33 of this Act, the Secretary
16 ~~Director~~ has the authority to appoint any attorney duly
17 licensed to practice law in the State of Illinois to serve as
18 the hearing officer in any action ~~for discipline of a licensee.~~
19 ~~The Director shall notify the Board of any such appointment.~~
20 The hearing officer has full authority to conduct the hearing.
21 The Board has the right to have at least one member present at
22 any hearing conducted by such hearing officer. The hearing
23 officer shall report his findings of fact, conclusions of law
24 and recommendations to the Board and the Secretary ~~Director~~.
25 The Board shall have 60 days from receipt of the report to

1 review the report of the hearing officer and present their
2 findings of fact, conclusions of law and recommendations to the
3 Secretary ~~Director~~. If the Board fails to present its report
4 within the 60 day period, the Secretary ~~Director~~ shall issue an
5 order based on the report of the hearing officer. If the
6 Secretary ~~Director~~ disagrees in any regard with the report of
7 the Board or hearing officer, he may issue an order in
8 contravention thereof. The Secretary ~~Director~~ shall inform
9 ~~provide a written explanation to~~ the Board on any such
10 deviation, ~~and shall specify with particularity the reasons for~~
11 ~~such action in the final order.~~

12 (Source: P.A. 86-987.)

13 (225 ILCS 330/36.1) (from Ch. 111, par. 3286.1)

14 (Section scheduled to be repealed on January 1, 2010)

15 Sec. 36.1. Returned checks; fines. Any person who delivers
16 a check or other payment to the Department that is returned to
17 the Department unpaid by the financial institution upon which
18 it is drawn shall pay to the Department, in addition to the
19 amount already owed to the Department, a fine of \$50. The fines
20 imposed by this Section are in addition to any other discipline
21 provided under this Act for unlicensed practice or practice on
22 a nonrenewed license. The Department shall notify the person
23 that payment of fees and fines shall be paid to the Department
24 by certified check or money order within 30 calendar days of
25 the notification. If, after the expiration of 30 days from the

1 date of the notification, the person has failed to submit the
2 necessary remittance, the Department shall automatically
3 terminate the license or certificate or deny the application,
4 without hearing. If, after termination or denial, the person
5 seeks a license or certificate, he or she shall apply to the
6 Department for restoration or issuance of the license or
7 certificate and pay all fees and fines due to the Department.
8 The Department may establish a fee for the processing of an
9 application for restoration of a license or certificate to pay
10 all expenses of processing this application. The Secretary
11 ~~Director~~ may waive the fines due under this Section in
12 individual cases where the Secretary ~~Director~~ finds that the
13 fines would be unreasonable or unnecessarily burdensome.
14 (Source: P.A. 92-146, eff. 1-1-02.)

15 (225 ILCS 330/37) (from Ch. 111, par. 3287)

16 (Section scheduled to be repealed on January 1, 2010)

17 Sec. 37. Order or certified copy; prima facie proof. An
18 order or certified copy thereof, over the seal of the
19 Department and purporting to be signed by the Secretary
20 ~~Director~~, shall be prima facie proof that:

21 (a) the signature is the genuine signature of the
22 Secretary ~~Director~~;

23 (b) the Secretary ~~Director~~ is duly appointed and
24 qualified; and

25 (c) the Board and the members thereof are qualified to

1 act.

2 (Source: P.A. 91-357, eff. 7-29-99.)

3 (225 ILCS 330/40) (from Ch. 111, par. 3290)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 40. Temporary suspension of a license. The Secretary
6 ~~Director~~ may temporarily suspend the license of a Professional
7 Land Surveyor ~~or Land Surveyor in Training~~ without a hearing,
8 simultaneously with the institution of proceedings for a
9 hearing under Section 29 of this Act, if the Secretary ~~Director~~
10 finds that evidence in his possession indicates that a
11 Professional Land Surveyor's ~~or Land Surveyor in Training's~~
12 continuation in practice would constitute an imminent danger to
13 the public. In the event that the Secretary ~~Director~~
14 temporarily suspends the license of a Professional Land
15 Surveyor ~~or Land Surveyor in Training~~ without a hearing, a
16 hearing by the Board must be commenced within 30 days after
17 such suspension has occurred.

18 (Source: P.A. 86-987.)

19 (225 ILCS 330/43) (from Ch. 111, par. 3293)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 43. Violations. A person is guilty of a Class A
22 misdemeanor for a first offense, and guilty of a Class 4 felony
23 for a second or subsequent offense, when he or she commits any
24 of the following acts: ~~Each of the following acts constitutes a~~

1 ~~Class A misdemeanor for the first offense and a Class 4 felony~~
2 ~~for a second or subsequent offense.~~

3 (a) The violation of any provision of this Act or its
4 rules.

5 (b) The making of any willfully false oath or affirmation
6 in any matter or proceeding where an oath or affirmation is
7 required by this Act.

8 (c) Obtaining or attempting to obtain a license or
9 registration by fraud.

10 (d) Using, or attempting to use, an expired, suspended, or
11 revoked license or certificate of registration or the license,
12 certificate of registration, or seal of another, or
13 impersonating another licensee or practicing land surveying
14 while one's license is expired, suspended, or revoked.

15 (e) Use of the title "Professional Land Surveyor", or "Land
16 Surveyor", or the abbreviation "P.L.S." or "L.S.", or any words
17 or letters indicating that a person is a Professional Land
18 Surveyor, by any person who has not received a license to
19 practice as an Illinois Professional Land Surveyor.

20 (f) If any person, sole proprietorship, professional
21 service corporation, limited liability company, corporation or
22 partnership, or other entity practices as a professional land
23 surveyor or advertises or displays any sign or card or other
24 device that might indicate to the public that the person or
25 entity is entitled to practice as a professional land surveyor,
26 or use the title "professional land surveyor", or any of its

1 derivations unless the person or entity holds an active license
2 as a professional land surveyor or registration as a
3 Professional Land Surveying Firm in the State; then, in
4 addition to any other penalty provided by law, any person who
5 violates this subsection (f) shall forfeit and pay to the
6 Design Professionals Administration and Investigation Fund a
7 civil penalty in an amount determined by the Department of not
8 more than \$5,000 for each offense.

9 (g) The practice, attempt to practice, or offer to practice
10 land surveying, without a license as a Professional Land
11 Surveyor or registration as a Professional Land Surveying Firm.
12 Each day of practicing land surveying, or attempting to
13 practice land surveying, and each instance of offering to
14 practice land surveying without a license as a Professional
15 Land Surveyor or registration as a Professional Land Surveying
16 Firm constitutes a separate offense.

17 Criminal fines and penalties shall be deposited in the
18 treasury of the county in which the violation occurred and
19 administrative fines shall be deposited in the Design
20 Professionals Administration and Investigation Fund.

21 All fines ~~and penalties~~ under Section 27 shall be deposited
22 in the Design Professions Administration and Investigation
23 Fund.

24 (Source: P.A. 88-428.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.

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3	225 ILCS 330/4	from Ch. 111, par. 3254
4	225 ILCS 330/6	from Ch. 111, par. 3256
5	225 ILCS 330/7	from Ch. 111, par. 3257
6	225 ILCS 330/8	from Ch. 111, par. 3258
7	225 ILCS 330/9	from Ch. 111, par. 3259
8	225 ILCS 330/10	from Ch. 111, par. 3260
9	225 ILCS 330/12	from Ch. 111, par. 3262
10	225 ILCS 330/13	from Ch. 111, par. 3263
11	225 ILCS 330/15	from Ch. 111, par. 3265
12	225 ILCS 330/16.5	
13	225 ILCS 330/18	from Ch. 111, par. 3268
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15	225 ILCS 330/19	from Ch. 111, par. 3269
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17	225 ILCS 330/25	from Ch. 111, par. 3275
18	225 ILCS 330/27	from Ch. 111, par. 3277
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20	225 ILCS 330/29	from Ch. 111, par. 3279
21	225 ILCS 330/30	from Ch. 111, par. 3280
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23	225 ILCS 330/33	from Ch. 111, par. 3283
24	225 ILCS 330/34	from Ch. 111, par. 3284
25	225 ILCS 330/35	from Ch. 111, par. 3285

- 1 225 ILCS 330/36 from Ch. 111, par. 3286
- 2 225 ILCS 330/36.1 from Ch. 111, par. 3286.1
- 3 225 ILCS 330/37 from Ch. 111, par. 3287
- 4 225 ILCS 330/40 from Ch. 111, par. 3290
- 5 225 ILCS 330/43 from Ch. 111, par. 3293